

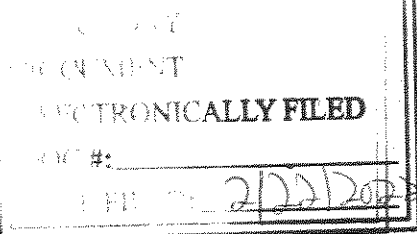
SEAN P. KELLY
MICHAEL L. DELLA

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(MANAGING ATTORNEY)

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THERESA J. VIERA
JOSEPH N. TIMPANARO
EVA L. KENNEDY
ALYSSA IULIANO
VINCENT PARADISE



February 14, 2022

Via ECF
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Attn: Honorable Justice McMahon

Re: 1:20-cv-09039-CM-JLC
Our Client: Damon Miller
Date of Accident: August 13, 2019
Our File No.: 190315

Dear Honorable Judge McMahon:

This office represents the plaintiff in this personal injury action stemming from an auto accident on August 13, 2019 that involved three (3) vehicles on the southbound Bruckner Expressway, including a tractor-trailer and a box truck.

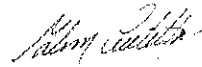
Previously, on 1/5/22, your Honor granted plaintiff's letter motion for extension of time to execute service of a critical non-party witness subpoena upon, Keith Taylor, with specific instructions not to wait until the 59th day to serve the witness.

The witness was served, via substitute service upon his mother Jerrie Taylor, on 1/22/22 to appear for his virtual deposition on Monday, February 14, 2022 (See Exhibit "1", affidavit of service). Following service, this office made numerous attempts to confirm the witness' appearance at the scheduled deposition. We conducted an investigation search for the mother address, which revealed phone numbers and email addresses. Upon making attempted phone calls, the phone numbers used were not Jerrie Taylor. All emails, except for one, were returned "undelivered" (see Exhibit "2", attached hereto). The single email that was not returned, and thus can be assumed to be delivered was the email address to ktaylor5771@yahoo.com (See Exhibit "3", attached hereto).

Today, the non-party witness, Keith Taylor, failed to appear for his deposition, despite proper service.

Thus, plaintiff is seeking to enforce the validly served subpoena upon non-party witness, Keith Taylor, by requesting an Order from this Court directing Keith Taylor to appear for a deposition, pursuant to FRCP 45.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Glenn Auletta".

Glenn Auletta, Esq.

EXHIBT 1

DAMON MILLER

AFFIDAVIT OF SERVICE

-against-

RYAN SHUNEMANN ET.AL

STATE OF NJ, COUNTY OF Middlesex; (Process Server): Steven Franks
being duly sworn, deposes and says: I am over the age of 18 years, am not party to this action, and reside in the State of PA.
That on 1-15-22, at 223 am/pm at 4208 TWIN OAKS COURT, MONMOUTH JUNCTION, NJ 08852 I served the
SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION bearing Index # 1:20-CV-09039-CM and filed date upon KEITH
TAYLOR,

☐ INDIVIDUAL

by personally delivering a true copy thereof to said recipient, known by deponent to be said person therein.

☐ AGENCY / BUSINESS ENTITY

by delivering thereat _____ true copy(ies) of each to (name) _____,
(capacity) _____, known by deponent to be an authorized agent of the named defendant therein.
Designated under rule _____ and tendering the required fee (if applicable).

☐ SUITABLE AGE PERSON

by delivering a true copy of each to a person of suitable age and discretion, to wit: (name) _____
(relationship) _____ who verified that the intended recipient actually lives/works at this location.

☐ AFFIXING TO DOOR

by affixing a true copy of each to the door of said premises, which is recipients usual place of abode or employment. Deponent was
unable, with due diligence to find recipient or a person of suitable age and discretion, having called thereat on these dates and times:
1) _____, at _____ am/pm 2) _____, at _____ am/pm 3) _____, at _____ am/pm

Deponent verified that the Defendant lived/worked at said premises with _____.

☐ MAILING COPY

Deponent enclosed a copy of same in a postpaid sealed wrapper marked "personal and confidential" and properly addressed to
recipient at the above address and mailed by first class mail () and certified mail # _____ by depositing
in an official depository under exclusive care and custody of the US Postal Service in the State of _____ on (date) _____.

☐ DESCRIPTION

Sex: _____; Color: _____; Hair: _____; Approx. Age: _____; Approx. Height: _____; Approx. Weight: _____;
Other: _____.

☐ WITNESS FEE

Deponent tendered to the recipient \$ _____ as traveling expenses, witness fee or other statutory fee.

☐ MILITARY SERVICE

Deponent asked the person spoken to whether the recipient is currently on active duty in the US military service or dependent on
someone who is currently on active duty in the US military service and was informed that he/she was not.

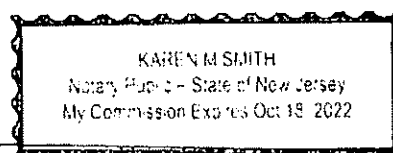
☒ NON-SERVICE

Deponent could not effect service for the following reasons: (include attempts and reasons for non-service):

*Ex-wife of Keith Taylor said he is no longer
living here. Now lives at 805 Royal Oaks, Monmouth Jct
NJ*

Sworn to before me on: 1-14-2022

[Signature]



[Signature]
Signature of Process Server

Gruenberg Kelly Della
700 Koehler Avenue
RONKONKOMA, NY 11779
Phone: (631) 737-4110
File No. TAYLOR

RETURN TO: Nationwide Court Services, Inc
761 Koehler Avenue, Suite A
Ronkonkoma, NY 11779
Ph: 631-981-4400
(NCS809284)EFF 1099439>

THE STATE OF NEW YORK
UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

Index No.: 1:20-CV-09039-CM
Filed On:

DAMON MILLER

AFFIDAVIT OF SERVICE

-against-

RYAN SHUNEMANN ET.AL

STATE OF NJ, COUNTY OF: Middlesex; (Process Server): Steven Franks
being duly sworn, deposes and says: I am over the age of 18 years, am not party to this action, and reside in the State of PA.
That on 1-22-22, at 518 am/pm at 805 ROYAL OAK CT, MONMOUTH JUNCTION, NJ 08852 I served the
SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION bearing Index # 1:20-CV-09039-CM and filed date upon KEITH
TAYLOR,

☐ INDIVIDUAL

by personally delivering a true copy thereof to said recipient, known by deponent to be said person therein.

☐ AGENCY / BUSINESS ENTITY

by delivering thereat true copy(ies) of each to (name) _____

(capacity) _____, known by deponent to be an authorized agent of the named defendant therein.

Designated under rule _____ and tendering the required fee (if applicable).

☒ SUITABLE AGE PERSON

by delivering a true copy of each to a person of suitable age and discretion, to wit: (name) Jennie Taylor

(relationship) Mother who verified that the intended recipient actually lives/works at this location.

☐ AFFIXING TO DOOR

by affixing a true copy of each to the door of said premises, which is recipients usual place of abode or employment. Deponent was
unable, with due diligence to find recipient or a person of suitable age and discretion, having called thereat on these dates and times:

1) _____, at _____ am/pm 2) _____, at _____ am/pm 3) _____, at _____ am/pm

Deponent verified that the Defendant lived/worked at said premises with _____.

☒ MAILING COPY

Deponent enclosed a copy of same in a postpaid sealed wrapper marked "personal and confidential" and properly addressed to
recipient at the above address and mailed by first class mail () and certified mail # _____ by depositing
in an official depository under exclusive care and custody of the US Postal Service in the State of NJ on (date) 1-25-22

☒ DESCRIPTION

Sex: F; Color: BLK; Hair: BLK; Approx. Age: 70; Approx. Height: 5'6"; Approx. Weight: 170
Other: _____

☒ WITNESS FEE

Deponent tendered to the recipient \$ 40.00 as traveling expenses, witness fee or other statutory fee.

☒ MILITARY SERVICE

Deponent asked the person spoken to whether the recipient is currently on active duty in the US military service or dependent on
someone who is currently on active duty in the US military service and was informed that he/she was not.

☐ NON-SERVICE

Deponent could not effect service for the following reasons: (include attempts and reasons for non-service):

Sworn to before me on January 26 2022

[Signature]
ZULEYHA MAQSUDI
Commission # 50028485
Notary Public, State of New Jersey
My Commission Expires
December 16, 2025

[Signature]
Signature of Process Server

Gruenberg Kelly Della
700 Koehler Avenue
RONKONKOMA, NY 11779
Phone: (831) 737-4110
File No. TAYLOR

RETURN TO: Nationwide Court Services, Inc
781 Koehler Avenue, Suite A
Ronkonkoma, NY 11779
Ph: 631-881-4400
(NCS809284)EFF 1100053>

EXHIBT 2

Gauletta@gknylaw.net

From: Gauletta@gknylaw.net
Sent: Wednesday, February 9, 2022 11:16 AM
To: 'jcnsty@aol.com'; 'joelinda@yahoo.com'
Cc: Bonkoski, Amanda (abonkoski@gknylaw.net); mdella@gknylaw.net
Subject: URGENT - Legal matter - Keith Taylor 2/14/22 deposition
Attachments: 190315 Subpoena Affidavit of Service of Subpoena Taylor, Keith GRUENBERG KELLY DELLA 02-09-2022.pdf

Importance: High

Categories: Attached to SA

SA: -1

Dear Mr. Taylor,

My name is Glenn Auletta from the law firm of Gruenberg Kelly Della.

On 1/22/22, our process served your mother with a subpoena for your son to appear for a virtual deposition (see attached affidavit of service) to provide testimony regarding an accident that occurred on 8/13/19. The deposition is set for this Monday, February 14, 2021.

The federal judge on this matter is not likely to take your non-appearance at this deposition lightly.

Please call us or email us so that we can send you this Zoom link for the deposition.

Thank you.

Glenn Auletta, Esq.
Senior Trial Counsel
Gruenberg Kelly Della
700 Koehler Avenue
Ronkonkoma, New York 11779
(Tele) 631-737-4110
(Fax) 631-737-4155
gauletta@gknylaw.net
www.newyorklawgroup.com

GK GRUENBERG KELLY DELLA
ATTORNEYS AND COUNSELORS AT LAW
WWW.NEWYORKLAWGROUP.COM

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All e-mail to Gruenberg Kelly Della, or any individual thereat, should be followed up by hard copy including attachment(s), as e-mails and/or attachments may be blocked or deleted at any time without notice being provided to either the intended recipient or the sender. Further, to the extent permitted by law or rule, Gruenberg Kelly Della does not accept service by e-mail.

If this e-mail relates to a claimed client loan or lien, Gruenberg Kelly Della does not accept notice of client loans or liens by e-mail. Notice of a client loan or lien, along with an acknowledgement signed by the client, must be sent to Gruenberg Kelly Della at 700 Koehler Avenue, Ronkonkoma, NY 11779 by regular mail, certified mail, registered mail, or overnight mail.

Gauletta@gknylaw.net

From: Mail Delivery System <mailer-daemon@perfora.net>
Sent: Wednesday, February 9, 2022 11:16 AM
To: Gauletta@gknylaw.net
Subject: Mail delivery failed: returning message to sender

This message was created automatically by mail delivery software.

A message that you sent could not be delivered to one or more of its recipients. This is a permanent error.

The following addresses failed:

jcnsty@aol.com:
SMTP error from remote server for TEXT command, host: mx-aol.mail.gm0.yahoodns.net (98.136.96.93) reason: 552 1
Requested mail action aborted, mailbox not found

joelinda@yahoo.com:
SMTP error from remote server for TEXT command, host: mta6.am0.yahoodns.net (67.195.204.73) reason: 554 30 Sorry,
your message to joelinda@yahoo.com cannot be delivered. This mailbox is disabled (554.30).

--- The header of the original message is following. ---

Received: from GKDPC22 ([75.99.70.114]) by mrelay.perfora.net (mreueus004
[74.208.5.2]) with ESMTPSA (Nemesis) id 1MI55X-1nVIRq1ZVn-00F86f; Wed, 09 Feb
2022 17:16:09 +0100
From: <Gauletta@gknylaw.net>
To: <jcnsty@aol.com>,
<joelinda@yahoo.com>
Cc: "Bonkoski, Amanda" <abonkoski@gknylaw.net>,
<mdella@gknylaw.net>
Subject: URGENT - Legal matter - Keith Taylor 2/14/22 deposition
Date: Wed, 9 Feb 2022 11:16:08 -0500
Message-ID: <03c301d81dd0\$592994d0\$0b7cbe70\$@gknylaw.net>
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lsOhySAUZNeNe0t7x+iQ8nprryVt+NAAZlgcasJMtNan3gDrYAMZFXc/s4c=

Exhibit 3

Gauletta@gknylaw.net

From: Gauletta@gknylaw.net
Sent: Wednesday, February 9, 2022 11:14 AM
To: 'ktaylor5771@yahoo.com'
Cc: Bonkoski, Amanda (abonkoski@gknylaw.net); mdella@gknylaw.net
Subject: URGENT - Legal matter - Keith Taylor 2/14/22 deposition
Attachments: 190315 Subpoena Affidavit of Service of Subpoena Taylor, Keith GRUENBERG KELLY DELLA 02-09-2022.pdf

Importance: High

Categories: Attached to SA

SA: -1

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The federal judge on this matter is not likely to take your non-appearance at this deposition lightly.

Please call us or email us so that we can send you this Zoom link for the deposition.

Thank you.

Glenn Auletta, Esq.
Senior Trial Counsel
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(Fax) 631-737-4155
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